

No. 2012-39

AN ACT

SB 539

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in driving after imbibing alcohol or utilizing drugs, further providing for grading and for penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3803(b) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3803. Grading.

* * *

(b) Other offenses.—

(1) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(2) An individual who violates section 3802(a)(1) where the individual refused testing of blood or breath, or who violates section 3802(c) or (d) and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(3) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has more than one prior offense commits a misdemeanor of the first degree.

(4) An individual who violates section 3802(a)(1) where the individual refused testing of blood or breath, or who violates section 3802(c) or (d) and who has one or more prior offenses commits a misdemeanor of the first degree.

(5) An individual who violates section 3802 where a minor under 18 years of age was an occupant in the vehicle when the violation occurred commits a misdemeanor of the first degree.

Section 2. Section 3804(k) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 3804. Penalties.

* * *

(c.1) Violation involving minor occupant.—An individual who violates section 3803(b)(5) (relating to grading), in addition to any penalty imposed in this chapter, shall be sentenced as follows:

(1) For a first offense, to:

(i) pay a fine of not less than \$1,000; and

(ii) complete 100 hours of community service.

(2) For a second offense, to:

(i) pay a fine of not less than \$2,500; and

(ii) undergo imprisonment of not less than one month nor more than six months.

(3) For a third or subsequent offense, undergo imprisonment of not less than six months nor more than two years.

** * **

(k) Nonapplicability.—Except for subsection (e), this section shall not apply to dispositions resulting from proceedings under 42 Pa.C.S. Ch. 63 [(relating to juvenile matters)].

Section 3. This act shall take effect in 60 days.

APPROVED—The 8th day of May, A.D. 2012

TOM CORBETT